

ORDINANCE NO. _____

1 AN ORDINANCE AMENDING ORDINANCE NO. 960613-O FOR THE PROJECT
2 KNOWN AS FOUR POINTS CENTRE PLANNED UNIT DEVELOPMENT
3 PROJECT, TO MODIFY THE LAND USE PLAN, REZONING AND CHANGING
4 THE ZONING MAP FROM PLANNED UNIT DEVELOPMENT (PUD) DISTRICT
5 TO PLANNED UNIT DEVELOPMENT (PUD) DISTRICT FOR THE PROPERTY
6 LOCALLY KNOWN AS 7013 AND 7318 ½ RIVER PLACE BOULEVARD, AND
7 11120 AND 11034 FOUR POINTS DRIVE.

8
9 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

10
11 **PART 1.** Four Points Centre Planned Unit Development ("Four Points Centre PUD") is
12 comprised of approximately 333 acres of land located generally at 7200 to 7500 North
13 F.M. 620 Road and F.M. 2222 Road and more particularly described by metes and bounds
14 in the land use plan incorporated into Ordinance No. 960613-O.

15
16 **PART 2.** Four Points Centre PUD was approved June 13, 1996, under Ordinance No.
17 960613-O (the "Original Ordinance"), and amended under Ordinance No. 000330-52,
18 Ordinance No. 030424-21, and Ordinance No. 20100930-041.

19
20 **PART 3.** The zoning map established by Section 25-2-191 of the City Code is amended to
21 change the base district from planned unit development (PUD) district to planned unit
22 development (PUD) district on the property described in Zoning Case No. C814-95-
23 0002.10, on file at the Planning and Development Review Department, as follows:

24
25 Lots 4, 5, and 6, Block A, and Lot 1, Block C, Four Points Centre PUD Subdivision,
26 according to the plat or map of record in Document No. 200200080, amended in
27 Document No. 2004185158, of the Official Public Records of Travis County, Texas
28 (the "Property"),

29
30 locally known as 7013 and 7318 ½ River Place Boulevard, and 11120 and 11034 Four
31 Points Drive, in the City of Austin, Travis County, Texas, and generally identified in the
32 map attached as Exhibit "A".

33
34 **PART 4.** This ordinance, together with the attached Exhibits A and B, constitutes the
35 amended land use plan for the Four Points PUD and amends the Original Ordinance. The
36 Four Points PUD shall conform to the permitted uses and development standards and
37 criteria, limitations and conditions set forth in the ordinance and the land use plan, as

1 amended, on record at the Planning and Development Review Department in File No.
2 C814-95-0002.10. If this ordinance and the attached exhibits conflict, the ordinance
3 applies.
4

5 **PART 5.** The attached exhibits are incorporated into this ordinance in their entirety as
6 though set forth fully in the text of this ordinance. The attached exhibits are as follows:
7

8 Exhibit A: Zoning map

9 Exhibit B: Amended Land Use Plan (2 pages)
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11 **PART 6.** The Four Points Centre PUD land use plan under the Original Ordinance, as
12 amended, is modified and amended as shown on Exhibit "B", as follows:
13

14 A. The use designations on the land use plan for the Property identified as Lots 4,
15 5, and 6, of Block A and Lot 1 of Block C are changed from hotel, garden
16 office, and research and development to office/retail mixed use. Development
17 under these uses shall comply with the site development regulations applicable
18 to these particular base districts, as set forth in the Amended Land Use Plan.
19

20 B. Note 66 on the land use plan is amended to add the Property as follows:
21

22 Lots 4, 5, and 6 of Block A, Lots 2, 4, 5, and 6 of Block B, and Lot 1 of Block
23 C are restricted to (i) uses permitted in the community commercial (GR)
24 zoning base district, (ii) uses permitted in the general office (GO) zoning base
25 district, (iii) uses permitted in the mixed use (MU) combining district, as
26 combined with either such base district under (i) or (ii), as such uses were
27 defined in the City of Austin's Land Development Code on December 5,
28 1995. To the extent that any portion of such tract is developed for uses under
29 (i) or (ii), it shall comply with the site development and other such
30 requirements established by the Conceptual Land Use Plan applicable to such
31 base district. To the extent that any portion of such tract is developed for uses
32 in combination with (iii), it shall also be subject to the permitted uses and
33 regulations for mixed use (MU) combining district, as defined in the City of
34 Austin's Land Development Code on December 5, 1995.
35

36 C. Note 48 and Note 50 are deleted from the land use plan.
37

38 D. Notes 46, 47, and 49 remain on the land use plan as revised, and are further
39 clarified and expanded on by Note 64, as follows:
40

Notes 46 through 49 are amended to permit the following: each of the Office/Retail Mixed Use tracts shown hereon may be used, in whole or in part, for (i) office, retail, and/or residential uses, (ii) research assembly services, research services, research testing, and/or research warehousing services uses, or (iii) any less intense commercial and/or industrial uses, as defined in the City of Austin's Land Development Code on December 5, 1995. If any portion of any tract shown hereon is used for research assembly services, research services, research testing, and/or research warehousing services uses, that portion of such tract may not have a residential use and shall comply with Note 49. Development of all such tracts shall comply with the site development and other requirements established by this Conceptual Land Use Plan for the uses that occur thereon.

E. Note 68 is added to the land use plan, as follows:

A total of 375,000 square feet of space for retail uses may be allocated among Lots 4, 5, and 6 of Block A, Lots 4, 5, and 6 of Block B, and Lot 1 of Block C. The landowner, TPG Four Points Land, LP, its successors and assigns, may allocate this 375,000 square feet of space for retail uses among these seven (7) lots by providing the City of Austin Planning and Development Review Department, or its successor department, with documentation of such allocation. The 375,000 square feet of space for retail uses among these seven lots may not be exceeded without an ordinance of the City to authorize such change, but the 375,000 square feet of space for retail uses may be allocated administratively among Lots 4, 5, and 6 of Block A, Lots 4, 5, and 6 of Block B, and Lot 1 of Block C.

F. The following conditions apply as follows:

- 1) A drive-in service use is prohibited as an accessory use to Restaurant (Drive-In, Fast Food), Restaurant (General), Restaurant (Limited) uses on Lots 5 and 6, of Block A, and Lot 1, of Block C. (Note 69)
- 2) The following applies to Lots 4, 5, and 6, of Block A, and Lot 1, of Block C. (Note 70)

1
2
3 a) Except for rainwater harvesting storage, underground storage tanks
4 are prohibited.

5
6 b) The following uses are prohibited uses:

7
8 Automotive rentals

Automotive repair services

9 Automotive sales

Automotive washing (of any type)

10 Bail bond services

Commercial-off street parking

11 Exterminating services

Funeral services

12 Pawn shop services

Service station

13
14 **PART 7.** In accordance with Part 7 of Ordinance No. 960613-O, the Four Points Centre
15 PUD is subject to the conditions of the Traffic Impact Analysis ("TIA") prepared by Carter
16 & Burgess, Inc., as revised in February 1998 by WHM Traffic Engineers Consultants, Inc.,
17 submitted in support of the Four Points Centre PUD zoning request, and on file at the City
18 of Austin Planning and Development Review Department, or its successor. If the
19 completed development or uses authorized by any proposed site plan or building permit,
20 considered cumulatively with all existing or previously authorized development or uses of
21 the Property, generates traffic exceeding 2,943 adjusted a.m. or p.m. peak-hour trips
22 ("PHTs"), then no site plan for development of the Property or any portion of the Property
23 shall be approved or released, and no building permit for construction of a building on the
24 Property shall be issued by the Planning and Development Review Department, or its
25 successor. A change to increase adjusted peak hour trips shall not be construed as a minor
26 change and shall require an ordinance of the City to authorize such change.

27 The Four Points Centre PUD landowner its successors and assigns, may reallocate
28 PHT's among the Four Points Centre PUD properties by providing the Planning and
29 Development Review Department or its successor, with documentation of such
30 reallocation. Reallocation will be effective upon receipt of such notice by the City of
31 Austin. If reallocation is made, the Four Points Centre PUD TIA Allocation Table may
32 thereafter be appropriately revised and approved administratively with any new site plan
33 for development or site plan correction or site plan revision to an approved site plan for
34 development. In no event will any such reallocation be deemed to increase the
35 development or traffic intensity of the PUD beyond 2,943 adjusted peak hour trips or as
36 increased in an ordinance approved by the Austin City Council.

1 No site plan for development of the Property or any portion of the Property shall be
2 approved and released unless the following standard note is shown on any site plan for
3 development of the Property:

4 "The PUD TIA PHT Allocation Table summarizes allocation of PHT's from the
5 PUD TIA, and any modifications of or additions thereto. The Four Points Centre
6 PUD landowner, its successors and assigns, may reallocate PHT's between PUD
7 properties by providing the City of Austin Planning and Development Review
8 Department (or its successor) with documentation of such reallocation.
9 Reallocation will be effective upon receipt of such notice by the City of Austin. If
10 reallocation is made, the PUD TIA Allocation Table may thereafter be
11 appropriately revised and approved administratively with any new site plan for
12 development or site plan correction or site plan revision to an approved site plan
13 for development. In no event will any such reallocation be deemed to increase the
14 development or traffic intensity of the PUD beyond 2,943 adjusted peak hour trips
15 or as increased in an ordinance approved by the Austin City Council."

16
17 **PART 8.** Except as otherwise provided for in this ordinance, the terms and conditions of
18 Ordinance No. 960613-O, as amended, remain in effect.

19
20 **PART 9.** This ordinance takes effect on _____, 2011.

21
22
23 **PASSED AND APPROVED**

24
25 §
26 §
27 §

_____, 2011

28 Lee Leffingwell
29 Mayor

30
31
32 **APPROVED:** _____

33 Karen M. Kennard
34 City Attorney

ATTEST: _____

Shirley A. Gentry
City Clerk

R&D-PDA



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L — —





